



**Janet Napolitano**  
Governor

**Victor M. Mendez**  
Director

# Arizona Department of Transportation

## Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

February 10, 2006

**Sam Elters**  
State Engineer

(Addressee)

Re: Project No: TEA  
TRACS No: 0000  
Project Name:

Dear \_\_\_\_:

I have reviewed the Project Assessment dated June 2006 for the above-referenced project, and it appears to satisfy the criteria of a Categorical Exclusion Group Two, in accordance with 23 CFR 771.117(d).

In order to complete the environmental clearance process, the (City or Town) will be responsible for the preparation and completion of all design documents and the ADOT Environmental & Enhancement Group clearance memorandum (ADOT memo) and the Categorical Exclusion document (previously known as the Environmental Determination).

The *Completion Guidelines and Format for Local Government Projects* (guidelines dated June 1, 2005) are available for download at [www.adotenvironmental.com](http://www.adotenvironmental.com). Click on the link entitled "Guidance" on the left side of the web page, then click on "Local Government". Download both the "Completion Guidelines (labeled "2." on the website)..." file for the Categorical Exclusion (CE) and the Clearance Memo Templates...." file. Or you may choose to use the completed ADOT Clearance Memo (either Group One or Group 2) with any CE.

The file should have a date of "06/01/06" in the lower right corner. Save the file on your computer and use the electronic version as a Word template for the CE. The boilerplate text provided in the guidelines should be copied word for word when applicable. All items within the guidelines must be addressed. Other guidance is provided at the same website for public scoping and preparation of technical support documents.

### Public Scoping

The (City or Town) is responsible for scoping the public and local, county and state agencies by providing a letter (with maps) that describes the project's scope and schedule. Please call me, and I will send you an electronic copy of a sample public scoping letter if you should like to see an example. Any issues/ responses from the public/agencies must be addressed in the design and must be responded to pursuant to the National Environmental Policy Act. Written responses from the agencies and the public must be attached to the CE.

### Environmental Analyses for the Categorical Exclusion

The (City or Town) is responsible for providing all environmental analysis and impact evaluation required for the CE. Additional format and instructions for preparation of supporting environmental analyses (referred to below in bold) are also available under “Guidelines” on the home page. Make sure the environmental analyses include the footprint of all disturbances including any detours, any new right-of-way or any temporary construction easements.

The CE must summarize and attach documentation on the presence of and any potential impacts to federally listed wildlife and habitat, Arizona State Species of Concern, and protected native plants. I will coordinate with the ADOT Biologist to see if this project qualifies for an ADOT in-house biological checklist. In the meantime, please send a coordination letter to Rebecca Davidson with the Arizona Game and Fish Department (AGFD) with regard to their listed species:

Project Evaluation Program Supervisor  
Arizona Game and Fish Department  
2221 West Greenway Road  
Phoenix, AZ 85023

AGFD’s response letter must be attached to the CE.

If the project does not qualify for an ADOT in-house biological checklist, the (City or Town) will need to consult with a qualified biologist to prepare a **Biological Review** report for the project. Formatting requirements for this report can be found on the [www.adotenvironmental.com](http://www.adotenvironmental.com) website under “Biology/Water Quality” (click on this and scroll to the right for more links). If impacts on threatened and/or endangered species or critical habitat are anticipated, please coordinate with ADOT. ADOT will consult with the U.S. Fish and Wildlife Service. Please ask the biologist to also **survey for native plants and Arizona Species of Concern**. That report should be prepared independent of the Biological Review but may be prepared by the same biologist.

The (City or Town) is required to determine any involvement and acquire the appropriate Clean Water Act Section 401, 402 and 404 permits. If the project involves disturbance to any drainage path or has the potential to impact waters of the United States, there may be Section 404 and/or 401 involvement and a Nationwide Permit may be required. If the disturbance within Waters of the US (below the high water mark) is greater than 0.1 acre then Army Corps of Engineers must be notified in writing otherwise just attach the National Wide Permit No 14 to the CE and the ADOT clearance memo.

Are the canals in this area considered jurisdictional waters of the US? Some of them in the Phoenix area are. Let me know. If the canals are jurisdictional and we are going to be below the high water mark we will need to know how many acres will be affected and we will need to attach a Nationwide Permit 14 or something similar to the CE.

If there is more than 1 acre of ground disturbance for this project, a Clean Water Act Section 402 permit must also be obtained by preparing a Storm Water Pollution Prevention Plan (SWPPP) jointly with the general contractor and submitting a Notice of Intent to the Arizona Department of Environmental Quality (ADEQ). See [www.azdeq.gov/environ/water/permits/stormwater.html](http://www.azdeq.gov/environ/water/permits/stormwater.html) for guidance. If the project is within ¼ mile of Unique or Impaired Waters as defined by the ADEQ or EPA, the Storm Water Pollution Prevention Plan must be submitted to ADEQ or EPA. A signed copy of the SWPPP must be kept at the construction site until permanent stabilization is conducted and a Notice of Termination is filed.

The (City or Town) is responsible for checking FEMA FIRM maps to see if the project is within the 100-year floodplain. If this is so, then the (City or Town) must also coordinate with the County Floodplain Manager asking for a floodplain analysis. Please call for floodplain manager contact information and boilerplate text for your coordination letter.

Additionally, the (City or Town) is required to determine if this project will impact any Section 4(f) properties. These include publicly owned public parks, recreation areas, wildlife and waterfowl refuges, and significant historical sites.

A hazardous materials records search and survey, **Preliminary Initial Site Assessment**, must be prepared by a qualified (minimum 2 years experience) hazardous materials assessment specialist and submitted to me when the Scoping Letter is finalized. Guidance for this analysis is also provided at the [www.adotenvironmental.com](http://www.adotenvironmental.com) website on the left side of the page. Click on “Hazardous Materials” and scroll to the right for more links.

The design document has been submitted to ADOT’s Historic Preservation Team and will be forwarded to Federal Highway Administration and the State Historic Preservation Officer (SHPO). Please call me to find out what the status of SHPO’s review is and to find out what level of **Cultural Resource Survey** report is necessary before requisitioning. Any concurrence letter received from SHPO must be included as an attachment to the CE document.

Guidance for this analysis is also provided at the [www.adotenvironmental.com](http://www.adotenvironmental.com) website on the left under “Cultural Resources” (scroll to the right for more links). All entities preparing cultural resource surveys must meet the Secretary of the Interior’s Standards for Professional Qualifications. Surveys must be consistent with policy on Report Abstracts and Site Recordation. See the following Arizona State Museum and the SHPO’s websites for further information:

[www.statemuseum.arizona.edu/profsvcs/permits/permittees.pdf](http://www.statemuseum.arizona.edu/profsvcs/permits/permittees.pdf)  
[www.pr.state.az.us/partnerships/shpo/shpo\\_lga.html](http://www.pr.state.az.us/partnerships/shpo/shpo_lga.html)  
[www.pr.state.az.us/partnerships/grants/grants.html](http://www.pr.state.az.us/partnerships/grants/grants.html)

Please complete the ADOT memo and the initial CE and ensure these documents follow the guidelines. The CE document should be signed and submitted with correct spelling, grammar and have all required attachments including AGFD response, SHPO concurrence, and any agency or public responses as if the CE document was final. My mailing address is:

(NEPA Planner)  
Arizona Department of Transportation  
205 S. 17<sup>th</sup> Avenue, Room 213, Mail Drop 619E  
Phoenix, AZ 85007

It is common that the initial drafts of these documents are returned to the (City or Town) for revisions. I recommend you begin the environmental work in close conjunction with the design development and at your earliest opportunity because of the time constraints associated with coordination and document reviews.

I am available to discuss the environmental documents with you and address your questions and concerns. **Please discuss this letter with your consultants.** Please do not hesitate to contact me at (602) 712-\_\_\_\_, email \_\_\_\_\_@azdot.gov, or fax (602) 712-\_\_\_\_ for additional information as you proceed with the clearance process. I look forward to working with you in the near future.

Please contact me for additional information.

Thank you.

Very truly yours,  
ARIZONA DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_, NEPA Planner  
Environmental and Enhancement Group  
205 South 17th Avenue MD 619E  
Phoenix, AZ 85007  
Phone: 602-712-\_\_\_\_\_ Fax: 602-712-

cc: (ADOT Project Manager)  
(Local Government Environmental Planner)

(typist initials if not the signee)